

CITY OF NORTH MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

THE CITY OF NORTH MUSKEGON ORDAINS:

Chapter 22, Article II, of the Code of Ordinances of the City of North Muskegon, Michigan, shall be hereby amended by the addition of section 22-34 as follows:

Sec. 22-34 Nuisance Lighting

- (a) The purpose of this Ordinance is to provide regulations for outdoor lighting that will:
 - (1) Permit the use of outdoor lighting that supports practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
 - (2) Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
 - (3) Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.

- (b) Definitions. For the purpose of this section, the following definitions shall apply unless the content clearly indicates or requires a different meaning.
 - (1) *Canopy*. A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning).
 - (2) *Footcandle*. The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one square foot from a distance of one foot.
 - (3) *Glare*. Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
 - (4) *Lighting*. Any electric, man-made, or artificial lighting that is intended to provide illumination.
 - (5) *Light Trespass*. Light that falls beyond the property it is intended to illuminate.
 - (6) *Lumen*. The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire.
 - (6) *Luminaire*. The complete lighting unit, consisting of a lamp, or lamp and ballasts, together with parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
 - (7) *Property Line*. The edges of the legally-described extent of privately owned property.
 - (8) *Skyglow*. The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

(c) All lighting shall be installed in conformance with the provisions of this Ordinance except:

- (1) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads.
- (2) Lighting that is specified or identified in a specific use permit.
- (3) Lighting required by federal or state laws or regulations.
- (4) Lighting used for the external illuminations of signs, canopies, and buildings provided that no more than 2100 lumen producing light or luminaire is utilized and is shielded to avoid producing glare or skyglow.

(d) Any lighting fixture or luminaire violates this section if it:

- (1) Causes off-site glare.
- (2) Abuts a residential district and exceeds three-tenths (0.3) footcandles past the property line resulting in light trespass.
- (3) Is visible through a window and causes glare at the property line.
- (4) Is an external luminaire that produces more than 2100 lumens causing glare or skyglow.
- (5) Is determined by the City to be a nuisance.

(e) Enforcement. The City may review any building or site to determine compliance with the requirements under this section. If the City determines that the lighting violates this section, the lighting shall be removed, re-aimed, retrofitted, shielded, filtered, or replaced with a less intense light source to bring the lighting into compliance of this ordinance within 5 days of written notice from the City.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

Publish: _____

CITY OF NORTH MUSKEGON

By _____
_____, City Clerk

CERTIFICATE

The undersigned, being duly qualified clerk of the City of North Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council of the City of North Muskegon at a regular meeting of the City Council on the ____ day of _____, 2019, at which meeting a quorum was present and remained throughout, and that the original said ordinance is on file in the records of the City of North Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and the minutes were kept and will be or have been made available as required thereby.

Date: _____, 2019

CITY OF NORTH MUSKEGON

By: _____
_____, City Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

NOTICE OF ADOPTION

TO: ALL INTERESTED PERSONS

Please take notice that on _____, 2019, the City Council of the City of North Muskegon amended the North Muskegon Ordinance, as follows:

DRAFT AFTER CONSIDERATION

Adopted:
Published:

CITY OF NORTH MUSKEGON

By: _____
_____, City Clerk